

**AMENDMENTS TO THE CLAIMS**

Please amend the claims as follows:

**Listing of Claims:**

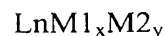
Claim 1 (Previously Presented): A nonaqueous electrolyte secondary battery comprising:

a positive electrode;

a negative electrode including an alloy having a CeNiSi<sub>2</sub> type crystal structure; and

a nonaqueous electrolyte,

wherein the alloy also has a composition represented by a formula



where Ln denotes at least one kind of element selected from the elements having an atomic radius falling within a range of  $1.6 \times 10^{-10}$  m to  $2.2 \times 10^{-10}$  m, M1 is at least one element selected from the group consisting of Ti, V, Cr, Mn, Fe, Co, Ni, Cu, Zn, and Nb, M2 is at least one element selected from the group consisting of P, Si, Ge, Sn and Sb, and x and y satisfy the conditions of  $0.5 \leq x \leq 1.5$  and  $1.5 \leq y \leq 3.5$ .

Claim 2 (Original): The nonaqueous electrolyte secondary battery according to claim 1,

wherein a lattice constant of crystal axis "a" of the CeNiSi<sub>2</sub> type crystal structure falls within a range of 3.5Å to 5.5Å.

Claim 3 (Original): The nonaqueous electrolyte secondary battery according to claim 2,

wherein said lattice constant falls within a range of 4Å to 5Å.

Claims 4-6 (Cancelled).

Claim 7 (Previously Presented): The nonaqueous electrolyte secondary battery according to claim 1, wherein the element Ln is at least one element selected from the group consisting of La, Ce, Pr, Nd, Pm, Sm, Mg, Ca, Sr, Ba, Y, Zr and Hf.

Claim 8 (Previously Presented): The nonaqueous electrolyte secondary battery according to claim 1, wherein the atomic ratio x satisfies  $0.6 \leq x \leq 1.3$ .

Claim 9 (Previously Presented): The nonaqueous electrolyte secondary battery according to claim 1, wherein the atomic ratio y satisfies  $1.7 \leq y \leq 2.5$ .

Claim 10 (Previously Presented): The nonaqueous electrolyte secondary battery according to claim 1, wherein the negative electrode satisfies a formula:

$$0.95 \geq (w/d)/\rho \geq 0.55$$

where  $\rho$  denotes a true density ( $\text{g/cm}^3$ ) of the alloy, d denotes a thickness ( $\mu\text{m}$ ) of the negative electrode, and w denotes a weight per unit area ( $\text{g/m}^2$ ) of the negative electrode.

Claim 11 (Original): The nonaqueous electrolyte secondary battery according to claim 1, wherein the alloy is a single phase alloy or a polyphase alloy.

Claims 12-17 (Cancelled).